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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,902	03/09/2000	Steven Blumenau	07072-922001	2829
26161	7590	11/19/2003	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			RONES, CHARLES	
			ART UNIT	PAPER NUMBER
			2175	19

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n N .	Applicant(s)	
	09/521,902	BLUMENAU ET AL.	
	Examin r	Art Unit	
	Charles L. Rones	2175	

-- The MAILING DATE of this c mmunication appears n the cover sheet with the c rresp ndenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003 .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

The request for continued examination timely filed on August 4, 2003 has been entered

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz et al. U.S. Patent No. 5,852,715 ('Raz').

Raz discloses:

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As to claim 1,

at least one storage device partitioned into a plurality of volumes for storing data;

See 5:1-20;

a first database including first configuration data for identifying which of a plurality of hosts coupled to the data storage have authorized access to each of the plurality of volumes of the at least one storage device; See 7:21-60;

a backup system having at least one backup storage device for storing at least a portion of data stored on the storage device; See 6:1-40; and

a second database including second configuration data for identifying which of the plurality of hosts coupled to the data storage have access to the at least one backup storage device; See 5:25-55.

As to claim 2,

wherein the at least one storage device, the first database, and the second database are part of an enterprise data storage system; See 5:25-55.

As to claim 3,

a first adapter, responsive to the first configuration data, which selectively forwards to the at least one storage device, requests from the plurality of hosts, for access to the plurality of volumes; See 4:12-30.

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As to claim 4,

comprising a second adapter, responsive to the second configurations data, which selectively forwards to the backup system, requests from the plurality of hosts, for access to the at least one backup storage device; See 5:9-27.

As to claim 5,

wherein the first configuration data is stored in a configuration table including a plurality of records, each of the records having an identifier and information indicating which of the volumes are available to a host associated with the corresponding identifier, and wherein the request includes a source identifier identifying the host that initiated the request and an address to one of the plurality of volumes in the storage system; See 4:49-65.

As to claim 6,

wherein the hosts are coupled to the data storage by a Fibre Channel network, a request for access by one of the plurality of hosts being in a Fibre Channel protocol; See 4:12-65.

As to claim 7,

wherein the at least one backup storage device operates under a SCSI protocol; See 4:30-40; 7:12-17.

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As to claim 8,

wherein the at least one backup storage device is a tape storage drive; See 6:1-13; 9:43-56.

As to claim 9,

receiving, by the data storage, a request from at least one of the hosts for access to data stored on the backup system; See 7:21-67; 9:35-42; and

determining, in response to second configuration data from a second database, that the host requesting access is authorized to access the portion of data stored on the backup system; See 7:21-67; 9:35-42.

As to claim 10,

wherein the backup system includes a plurality of backup storage devices and the configuration data is stored in a configuration table including a plurality of records, each of the records having an identifier and information indicating which of the backup storage devices are available to a host associated with the corresponding identifier, and wherein the request includes a source identifier identifying the host that initiated the request and an address to one of the backup storage devices; See 4:49-65; and

determining whether to service the request responsive to a portion of the configuration data associated with the source identifier and the address of the one of the backup storage devices; See 4:49-65.

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As to claim 11,

wherein the hosts, data storage and backup system are coupled by a Fibre Channel network, the method further including forwarding the request using a Fibre Channel protocol for access to a portion of data stored on the backup system over the Fibre Channel network; See 4:12-65.

As to claim 12,

wherein the backup system operates under a SCSI protocol; See 4:30-40; 7:12-17.

As to claim 13,

wherein the backup system is tape storage unit and the backup storage devices are tape libraries; See 6:1-12; 9:43-56.

Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz et al. U.S. Patent No. 5,860,137 ('Raz').

Raz discloses:

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As to claim 1,

at least one storage device partitioned into a plurality of volumes for storing data;

See 1:39-50; 4:50-58;

a first database including first configuration data for identifying which of a plurality of hosts coupled to the data storage have authorized access to each of the plurality of volumes of the at least one storage device; See 1:39-50; 4:50-58;

a backup system having at least one backup storage device for storing at least a portion of data stored on the storage device; See 4:25-35; and

a second database including second configuration data for identifying which of the plurality of hosts coupled to the data storage have access to the at least one backup storage device; See 4:36-59.

As to claim 2,

wherein the at least one storage device, the first database, and the second database are part of an enterprise data storage system; See 1:38-67.

As to claim 3,

a first adapter, responsive to the first configuration data, which selectively forwards to the at least one storage device, requests from the plurality of hosts, for access to the plurality of volumes; See 1:38-67.

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As to claim 4,

comprising a second adapter, responsive to the second configurations data, which selectively forwards to the backup system, requests from the plurality of hosts, for access to the at least one backup storage device; See 1:38-67; 4:3-59.

As to claim 9,

receiving, by the data storage, a request from at least one of the hosts for access to data stored on the backup system; See Abstract; 1:38-65; 4:25-58; and

determining, in response to second configuration data from a second database, that the host requesting access is authorized to access the portion of data stored on the backup system; See Abstract; 1:38-65; 4:25-58.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.



Charles L. Rones
Primary Examiner
Art Unit 2175

November 16, 2003